

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2480 – HB 2620

March 20, 2018

SUMMARY OF ORIGINAL BILL: Expands the Attorney General and Reporter's duties to include representation of a Local Education Agency (LEA) or certain LEA employees in a legal proceeding arising out of the LEA's adoption of a policy or practice designating multi-person restrooms, locker rooms, or other facilities for use based only on one's biological sex.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent the Attorney General determines that a private attorney would be in the best interest of the local education agency (LEA) or the LEA's employee, there will be an increase in state expenditures for reimbursement of defense costs. The extent of any such impact cannot be reasonably determined.

SUMMARY OF AMENDMENT (015707): Deletes and rewrites the proposed legislation such that the only substantive changes are to make the reimbursement of defense costs subject to the limits of Tenn. Code Ann. § 29-20-113, and to provide that the duty to defend an LEA or an LEA's employee does not apply to willful, malicious, or criminal acts or omissions for actions or omissions of acts for personal gain.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 8-6-109 sets forth the Attorney General's duties.
- The proposed legislation would require the Attorney General to represent an LEA or certain LEA employees in a legal proceeding arising out of the LEA's adoption of a policy or practice designating multi-person restrooms, locker rooms, or other facilities for use based only on one's biological sex.
- However, the state must pay for the employee's attorney fees if the Attorney General determines that it is in the best interest of the state for the employee to hire private counsel.

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- To the extent the Attorney General determines that the state's best interests are served by the LEA employee hiring private counsel, the proposed legislation will increase state expenditures, but the extent of such increase cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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